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June 1, 2016

VIA ECF and FACSIMILE

Hon. Paul G. Gardephe
United States District Court
Southern District of New York
500 Pearl Street, Room 2204
New York, NY 10007

MEMO ENDORSED

The Application is granted. *the conference is adjourned to July 7, 2016 at 11:00 a.m.*

SO ORDERED: *Paul G. Gardephe*
Paul G. Gardephe, U.S.D.J. *The clerk will recommit*

Dated: *June 1, 2016* *Dkt. No. 101.*

Re: Foster, et. al. v. City of New York, Case No. 14-cv-4142 (PGG)

De La Cruz, et. al. v. City of New York, Case No. 14-cv-9220 (PGG)

Dear Judge Gardephe:

I represent the plaintiffs in the above-captioned cases. I write on behalf of both parties to respectfully request a brief extension of time of 30 days from June 1, 2016, up to and including July 1, 2016, to complete Phase One discovery in these cases, and to adjourn the June 9, 2016 status conference until a date shortly after July 1, 2016.

As set forth below, the parties have been working diligently to complete Phase One discovery, but a limited amount of additional time is necessary. This is the parties' fifth request for an extension. The parties exchanged correspondence about this matter on May 31, 2016, and the parties agree that this limited extension of time is appropriate.

With the Court's permission to extend Phase One discovery up to and including July 1, 2016, the parties have agreed that the following remaining items will be completed:

- The City will produce a witness to testify regarding the topics identified in plaintiffs' Rule 30(b)(6) notices on FLSA Training in both cases. The *De La Cruz* 30(b)(6) deposition is scheduled for June 24, 2016 and the parties are working to schedule the *Foster* deposition prior to the extended discovery deadline.
- As set forth in this Court's March 14, 2016, Order, the parties have identified new AJOS Phase One plaintiffs to replace those who failed to appear for their

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depositions or produce written discovery in *De La Cruz* prior to June 1, 2016. Plaintiffs will provide written discovery on behalf of, and produce for depositions, the remaining four AJOS plaintiffs prior to the extended discovery deadline.

- The City produced completed FISA data in both cases on May 31, 2016, which is necessary for the completion of damages calculations. The parties will provide the Court with a proposed expert discovery schedule prior to the next status conference.

Based on the foregoing information, the parties jointly and respectfully request that their motion for an extension of time to complete discovery be granted.

Additionally, in light of the parties' request for an extension, the parties request that the June 9, 2016, status conference be adjourned until a date shortly after the extended discovery deadline of July 1, 2016.

Sincerely,

WOODLEY & MCGILLIVARY

A handwritten signature in black ink, appearing to read 'Gregory K. McGillivary', with a stylized flourish at the end.

Gregory K. McGillivary
Counsel for Plaintiffs

cc: Andrea O'Connor, counsel for Defendant (by ECF)
Felice B. Ekelman, counsel for Defendant (by ECF)
Jeffrey W. Brecher, counsel for Defendant (by ECF)
Adam S. Gross, counsel for Defendant (by ECF)
Sarah K. Hook, counsel for Defendant (by ECF)
Hope Pordy, counsel for Plaintiffs